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9 Attorneys for Plaintiff
10 LEVI STRAUSS & CO.

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17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 LEVI STRAUSS & CO.,
19 v.
20 T&Y FASHION, INC.,
21
22 Plaintiff,
23
24 Defendant.

Case No. C 06 7320 MEJ

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28 **STIPULATION TO FINAL
JUDGMENT AND PERMANENT
INJUNCTION**

19 Plaintiff Levi Strauss & Co. and Defendant T&Y Fashion, Inc. hereby stipulate to the facts and
20 conclusions contained in the attached Final Judgment and Permanent Injunction and consent to its
21 entry by the court.

22 IT IS SO STIPULATED AND CONSENTED.

23 DATED: August 6, 2007 TOWNSEND AND TOWNSEND AND CREW LLP

24 By: /s/ Gia L. Cincone
25 Gia L. Cincone
26 Attorneys for Plaintiff Levi Strauss & Co.

27 DATED: August 6, 2007 WORLD ESQUIRE LAW FIRM, LLP

28 By: /s/ Jen-Feng Lee
29 Jen-Feng Lee
30 Attorneys for Defendant T&Y Fashion, Inc.

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8 LEVI STRAUSS & CO.,

Case No. C 06 7320 MEJ

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 Plaintiff,
12 v.
13 T&Y FASHION, INC.,
14 Defendant.

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**FINAL JUDGMENT UPON
CONSENT AND PERMANENT
INJUNCTION**

23 Plaintiff Levi Strauss & Co. ("LS&CO.") has filed a Complaint alleging trademark
24 infringement, dilution, and unfair competition under federal and California law against defendant
25 T&Y Fashion, Inc. ("T&Y"). LS&CO. alleges that T&Y has manufactured, promoted, and sold
26 clothing, including denim jeans, that violates LS&CO.'s rights in its registered Tab Device Trademark
27 (the "Tab trademark").

28 The Court now enters final judgment based upon the following undisputed facts. Each party
has waived the right to appeal from this final judgment and each party will bear its own fees and costs
in connection with this action.

29
I. STIPULATED FACTS AND CONCLUSIONS

30 A. This Court has subject matter jurisdiction over this lawsuit and personal jurisdiction
31 over T&Y. Venue is proper in this Court.

1 B. LS&CO. owns the Tab trademark, which is a valid and famous trademark of LS&CO.
 2 and which is registered as follows for use on a variety of casual apparel:

- 3 a. Registration No. 356,701 (first used as early as September 1, 1936; registered
 4 May 10, 1938);
 5 b. Registration No. 516,561 (first used as early as September 1, 1936; registered
 6 October 18, 1949);
 7 c. Registration No. 577,490 (first used as early as September 1, 1936; registered
 8 July 21, 1953);
 9 d. Registration No. 774,625 (first used as early as May 22, 1963; registered
 10 August 4, 1964);
 11 e. Registration No. 775,412 (first used as early as October 9, 1957; registered
 12 August 18, 1964); and
 13 f. Registration No. 1,157,769 (first used as early as September 1, 1936; registered
 14 June 16, 1961).

15 C. T&Y has manufactured, distributed, and sold jeans that display the pocket tab
 16 illustrated in Exhibit A (the "T&Y tab").

17 **II. ORDER**

18 It is hereby ordered and adjudged as follows:

19 1. T&Y shall pay the sum of \$5,000.00 to LS&CO. within ten days of entry of this
 20 Judgment.

21 2. Commencing as of the "So Ordered" date of this Final Judgment and Permanent
 22 Injunction, T&Y, its principals, agents, employees, officers, directors, servants, successors, and
 23 assigns, and all persons acting in concert or participating with it or under its control who receive actual
 24 notice of this Order, are hereby permanently enjoined and restrained, directly or indirectly, from
 25 doing, authorizing or procuring any persons to do any of the following:

26 a. Manufacturing, licensing, selling, offering for sale, distributing, importing,
 27 exporting, advertising, promoting, or displaying any products that display any tab in the form and
 28 location illustrated in Exhibit A, or any other tab that is substantially similar to the T&Y tab or to the

1 Tab trademark;

2 b. Manufacturing, licensing, selling, offering for sale, distributing, importing,
 3 exporting, advertising, promoting, or displaying any products that display any tab that may reasonably
 4 be believed to be as similar or more similar to the Tab trademark than the T&Y tab;

5 c. Violating the rights of Levi Strauss & Co. in and to its Tab trademark; and

6 d. Assisting, aiding or abetting any person or entity engaging in or performing any
 7 act prohibited by this paragraph.

8 3. In the event that T&Y violates the terms of this Judgment by making, selling or
 9 offering for sale garments displaying the T&Y tab illustrated in Exhibit A, it shall pay to LS&CO.
 10 liquidated damages of (a) 20% of the sales revenue received by T&Y at any time on account of such
 11 garments, or (b) \$10,000, whichever is greater, and judgment shall be entered against T&Y for that
 12 amount. T&Y specifically acknowledges that this is a reasonable estimate of the damages to which
 13 LS&CO. would be entitled by virtue of T&Y's sales of such garments and the costs LS&CO. has
 14 incurred in enforcing its rights. Such liquidated damages shall be in addition to any further damages
 15 or equitable relief to which LS&CO. may be entitled with respect to future sales by T&Y that violate
 16 LS&CO.'s trademark rights, but any payments made by T&Y pursuant to this paragraph shall be
 17 deemed a credit against any potential award of damages under this paragraph.

18 4. This Court shall retain jurisdiction for the purpose of making any further orders
 19 necessary or proper for the construction or modification of this Judgment, the enforcement thereof,
 20 and/or the punishment for any violations thereof. If LS&CO. commences an action for enforcement
 21 of this Judgment, the prevailing party shall be awarded reasonable attorneys' fees and costs from the
 22 other party.

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1 5. For the purpose of any future proceeding to enforce the terms of this Judgment, service
2 by mail upon a party or their counsel of record at their last known address shall be deemed adequate
3 notice for each party.

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5 IT IS SO ORDERED AND ADJUDGED.

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7 DATED: _____ August 7, 2007

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9 Hon. Maria Elenor James
United States Magistrate Judge

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EXHIBIT A



Exhibit A